

[ECF No. 65]

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

JEFFREY BELLO,

Plaintiff,

v.

Civil No. 20-1218 (CPO/MJS)

**CAPITAL ONE BANK (USA) N.A.,
et al.,**

Defendant.

ORDER

This matter having come before the Court upon plaintiff Jeffrey M. Bello's ("Plaintiff") motion for sanctions and default judgment ("Motion") against defendant Capital One Bank (USA) N.A. and defendant Capital One Financial Corporation (collectively "Defendant") [ECF No. 65] based on alleged spoliation of evidence discovered after this Court's denial [ECF No. 61] of Plaintiff's motion to compel [ECF No. 49]; and the Court having received the certifications submitted by Defendant [ECF No. 62, 63]; and the Court having received Defendant's opposition to Plaintiff's Motion [ECF No. 68]; and the Court having received Plaintiff's reply [ECF No. 69]; and the Court having held a hearing in this matter on December 5, 2022; and the Court having heard at that hearing the testimony of Ms. Erica Pope, Litigation Specialist at Capital One;

and the Court having reconvened a hearing in this matter on December 15, 2022; and the Court having heard at that hearing the testimony of Mr. David Peabody, Lead Platform Engineer at Capital One; and the Court having considered all of the filings and the arguments of Plaintiff and counsel; and good cause existing to enter this Order; and to confirm the Court's rulings; and for all the reasons stated by the Court on the record,

IT IS on this 15th day of **December 2022**,

ORDERED that Plaintiff's Motion is **DENIED**.¹ The parties are further directed to Judge O'Hearn's November 8, 2022 Text Order [ECF No. 79] as it relates to dispositive motions.

s/ Matthew J. Skahill
MATTHEW J. SKAHILL
United States Magistrate Judge

cc: Hon. Christine P. O'Hearn
United States District Judge

¹ The Court now considers discovery in this case closed [ECF No. 70]. To the extent that any discovery productions have not been properly certified in compliance with Federal Rule of Civil Procedure 26(g), the Court orders that such certifications are provided within seven (7) days of this order.